UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/079,679	02/20/2002	Dan Thaxton	STD 1067 PA	6750

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EXAMINER
KAMAL, SHAHID

ART UNIT	PAPER NUMBER
3621	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)	
	10/079,679	THAXTON, DAN	
Office Action Summary	Examiner	Art Unit	
	SHAHID KAMAL	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>19 March 2008</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-20</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-20</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Acknowledgement

1.   Upon further review of the arguments provided by the applicant in the Pre-Appeal

Brief filed on 19 March 2008, the Final Office Action mailed on 27 December 2007 has

been withdrawn. The prosecution in this case is hereby reopened.

2.   The following is a Non-Final Office Action in response to the communication

received on 19 March 2008.

3.   Claims 1-20 are now pending in this application.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 1-20 are rejected under 35 U.S.C. 102(b) as anticipated by Vrain (US

Pub. No. 2001/00337309 A1) ("Vrain").

Referring to claim 1, Vrain discloses the following:

a) processing data relating to selected security features (security feature data-Fig.7B/730) of said document (Fig.7B/730, Paragraphs 0019, 0024, 0060 –security feature design module can be a computer application running on a processor or computer remote to server and be coupled to server through an Internet network connection, intranet network connection or dial-up modem connection), said security features each having associated compatibility and relative rating information (paragraphs 0060, 0062 – security feature design module also be a computer application running locally on server under the control of the local server operating system);

b) revising said selected security features of said document to resolve any compatibility issues (Fig.41, Paragraphs 0011, 0040, 0046, 0060 –security feature module can be written and compiled in a high level language which is compatible);

c) evaluating said relative rating information of said selected security features to determine a document security rating of said document (paragraphs 0021, 0048 – providing to and receiving from the user a plurality of badge design guidance data that is securely stored); and

d) presenting said document security rating (paragraphs 0048, 0064, fig.8B –prompt the user for marking or generating security data).

Referring to claim 2, Vrain further discloses presenting security features for selection (paragraphs 0048, 0064, fig.8B –prompt the user for marking or generating security data).

Referring to claim 3, Vrain further discloses wherein said security features are presented categorized by purpose (paragraphs 0048, 0064, fig.8B –prompt the user for marking or generating security data).

Referring to claim 4, Vrain further discloses providing a selectable link for at least one said security feature, which when selected presents information which describes the associated security feature and explains strengths and weaknesses of the associated security feature (paragraph 0062).

Referring to claim 5, Vrain further discloses recommending said security features based on security document type and desired security level (paragraphs 0052, 0055, 0061).

Referring to claim 6, Vrain further discloses providing a link for at least one of said security document type, which when selected presents an example of the associated security document type (paragraphs 0052, 0055, 0061).

Referring to claim 7, Vrain further discloses wherein said example includes recommended security features and providing associated links which when selected explain each associated security feature (paragraphs 0052, 0055, 0061).

Referring to claim 8, Vrain further discloses a method of further comprising requesting document design information to help assess compatibility issues (Fig.41, Paragraphs 0011, 0040, 0046, 0060 –security feature module can be written and compiled in a high level language which is compatible).

Referring to claim 9, Vrain further discloses said document design information includes use of security document, type of document paper, storage requirements, and threat environment assessment, and type of document shipping (paragraphs 0021, 0052, 0055, 0061).

Referring to claim 10, Vrain further discloses certain said security features are made unselectable based upon received said document design information (paragraphs 008, 0009).

Referring to claim 11, Vrain further discloses wherein said document security rating includes a rating of how well said selected security features will protect the security document against different forms of attack and relative ease of authentication of the security document (paragraphs 0060, 0062 –security feature design module also be a computer application running locally on server under the control of the local server operating system).

Referring to claim 12, Vrain further discloses said different forms of attack include tampering, copying, counterfeiting, and accessing, and said rating is provided for each attack (paragraphs 0016, 0019).

Referring to claim 13, Vrain further discloses said authentication includes covert, and mechanical, and said rating is provided for each authentication type (claim 1).

Referring to claim 14, Vrain further discloses resolving said compatibility issue involves providing a warning, and suggesting at least two possible solutions for resolving said compatibility issue (Fig.41, Paragraphs 0011, 0040, 0046, 0060 –security feature module can be written and compiled in a high level language which is compatible).

Referring to claim 15, Vrain further discloses viewing a relative cost assessment for selected feature (paragraphs 0052, 0055, 0061).

Referring to claim 16, Vrain further discloses presenting a link to common questions and concerns (paragraphs 0040, 0067).

Referring to claim 17, Vrain further discloses said data relating to said selected security features is obtained from a database (Fig.9(910) –security feature design data database).

Referring to claim 18, Vrain further discloses providing a protection disclaimer if said rating for at least one said attack type is deficient, and providing security feature suggestions that will provide the security document with adequate protection specified attack type area (paragraphs 0016, 0019).

Referring to claim 19, Vrain further discloses providing a protection disclaimer if said rating for at least one said authentication type is deficient, and providing security feature suggestions that will provide the security document with adequate protection and performance in the specified authentication type area (paragraphs 0060, 0062 – security feature design module also be a computer application running locally on server under the control of the local server operating system).

Referring to claim 20, Vrain discloses the following:

a) processing data relating to selected security features of said document, said security features each having associated compatibility and relative rating information (paragraphs 0060, 0062 –security feature design module also be a computer application running locally on server under the control of the local server operating system);

b) revising said selected security features of said document to resolve any compatibility issues (Fig.41, Paragraphs 0011, 0040, 0046, 0060 –security feature module can be written and compiled in a high level language which is compatible);

c) evaluating said relative rating information of said selected security features to determine a document security rating of said document (paragraphs 0021, 0048 – providing to and receiving from the user a plurality of badge design guidance data that is securely stored); and

d) presenting said document security rating of said document (paragraphs 0048, 0064, fig.8B –prompt the user for marking or generating security data).

6.   **Examiner's Note**: The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the patent examiner should be directed to Shahid Kamal whose telephone number is (571) 270-3272. The Patent examiner can normally be reached on Monday-Thursday (9:00am -7:00pm), Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew J. Fischer can be reached on (571) 272-6779. The fax phone number for this origination where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published application may be obtained from either Private PAIR or Public PAIR.

Statues information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-directed.uspto.gov.

Should you have any questions on accessing to the Private PAIR system, contact the Electronic Business Center (EBC) at 1(866) 217-9197 (toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 1(800) 786-9199 (IN USA OR CANADA) or 1(571) 272-1000.

Shahid Kamal
April 26, 2008

/ANDREW J. FISCHER/
Supervisory Patent Examiner, Art Unit 3621